

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SANDRA DRAKE and RANDY SMITH,)
on behalf of themselves and others)
similarly situated,)

Plaintiffs,)

vs.)

STEAK N SHAKE OPERATIONS, INC.)
(an Indiana Corporation))

Defendant.)

Case no.: 4:14-cv-1535

**PLAINTIFFS' UNOPPOSED MOTION
TO DISMISS COUNT III WITH PREJUDICE**

COMES NOW the Plaintiffs, by and through their counsel of record, and pursuant to Fed.R.Civ.P. 41(a)(2) hereby moves this Court for an order dismissing Count III of the Complaint (Doc. #1) alleging a violation of the Equal Pay Act.

Counsel for Defendant has been contacted regarding this Motion and is not opposed to request made herein. The dismissal will be with prejudice with each side bearing its own costs.

WHEREFORE, the Plaintiffs respectfully request that this Court grant this Motion and dismiss with prejudice Count III of the Plaintiffs' Complaint with each side to bear their own costs.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFFS

Certificate of Service

Plaintiffs hereby certify that a true and correct copy of the foregoing was sent on November 7, 2016 to the following Defense counsel of record email addresses per the requirements of this Courts CM/ECF practices and procedures.

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